



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Henry M. Brown, Assistant County Attorney *HMB*
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*
Kathleen Myer, Principal Engineer/Engineering Division *[Signature]*

DATE: August 18, 2003

SUBJECT: Settlement Authorization
Dodd Road Project
Parcel Nos.: 134, 734 and 834
Owner(s): Floyd Family Trust
Seminole County vs. Scott, et al.
Case No.: 01-CA-1901-13-W

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for costs. The total settlement sum is \$37,336.30.

I PROPERTY

A. Location Data

Parcel Nos. 134, 734, and 834 are located on Dodd Road at the 90 degree turn just north of Howell Branch Road. A location map is attached as Exhibit A and a parcel sketch as Exhibit B.

B. Street Address

The street address is 1491 Dodd Road.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 95-R-230, on September 26, 1995, authorizing the acquisition of Parcel Nos. 134, 734 and 834 finding that Dodd Road was necessary

and served a public purpose and was in the best interest of the citizens of Seminole County.

III BACKGROUND

In February, 2003, the BCC approved a negotiated settlement in the amount of \$72,500.00, exclusive of attorney fees and costs. At that time we advised that costs would be significant as a result of the project delays. The project was stopped twice and later restarted twice. Each time, including the original start of the project, the owners incurred costs, all of which will be claimed for reimbursement. The owners incurred multiple costs.

IV COST CLAIM

The owners claimed costs totaling \$40,302.90 allocated:

(1)	Wetland Survey Costs	\$ 2,195.62
(2)	Appraisal	\$11,272.00
(3)	Engineering	\$ 3,320.03
(4)	Planning	\$21,551.43
(5)	Exhibit Costs	\$ 374.06
(6)	Court Reporters	\$ 939.46
(7)	Miscellaneous Costs	\$ 650.30
TOTAL CLAIMED COSTS		\$40,302.90

V NEGOTIATION

In negotiation, several non-reimbursable office overhead costs were taken out and one expert claim was reduced. However, the County had little room to negotiate because it is clear that the claimed costs result from the repeated starting and stopping of the project.

Negotiations resulted in a reduction of 8.3% from \$40,302.90 to \$37,336.30. The amounts are allocated as follows:

(1)	Wetland Survey Costs	\$ 2,137.50
(2)	Appraisal	\$ 9,700.00
(3)	Engineering	\$ 3,245.00
(4)	Planning	\$20,905.00
(5)	Exhibit Costs	\$ 374.06
(6)	Court Reporters	\$ 939.46
(7)	Miscellaneous Costs	\$ 35.38
TOTAL COSTS REIMBURSEMENT		\$37,336.30

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

If this matter were taken to hearing, it would be difficult to argue that the costs were unnecessary or excessive because of the project delays and the errors in design plans that caused the initial failed order of take. It is highly unusual for costs to be in excess of one half the value of the property as here; however, this result is directly attributed to the project delays. Additionally, the County would need to employ four experts to review the claimed costs and testify as to their reasonableness. Not only would these new experts need to be paid, we cannot say with any certainty that their testimony would be at substantially lower numbers. Under the circumstances, it is not expected that a hearing would reduce costs any greater than the negotiated 8.3%.

VII RECOMMENDATION

This office recommends settlement of cost reimbursements at \$37,336.30. Should the BCC approve this payment, these parcels will not come before the BCC again as the owners and their representatives will have been paid and the case closed.

HMB/sb

Attachment

Exhibit A

Exhibit B

P:\USERS\CASB01\MY DOCUMENTS\MEMOAGENDA ITEM DODD FLOYD FAMILY TRUST 134 734 834.DOC

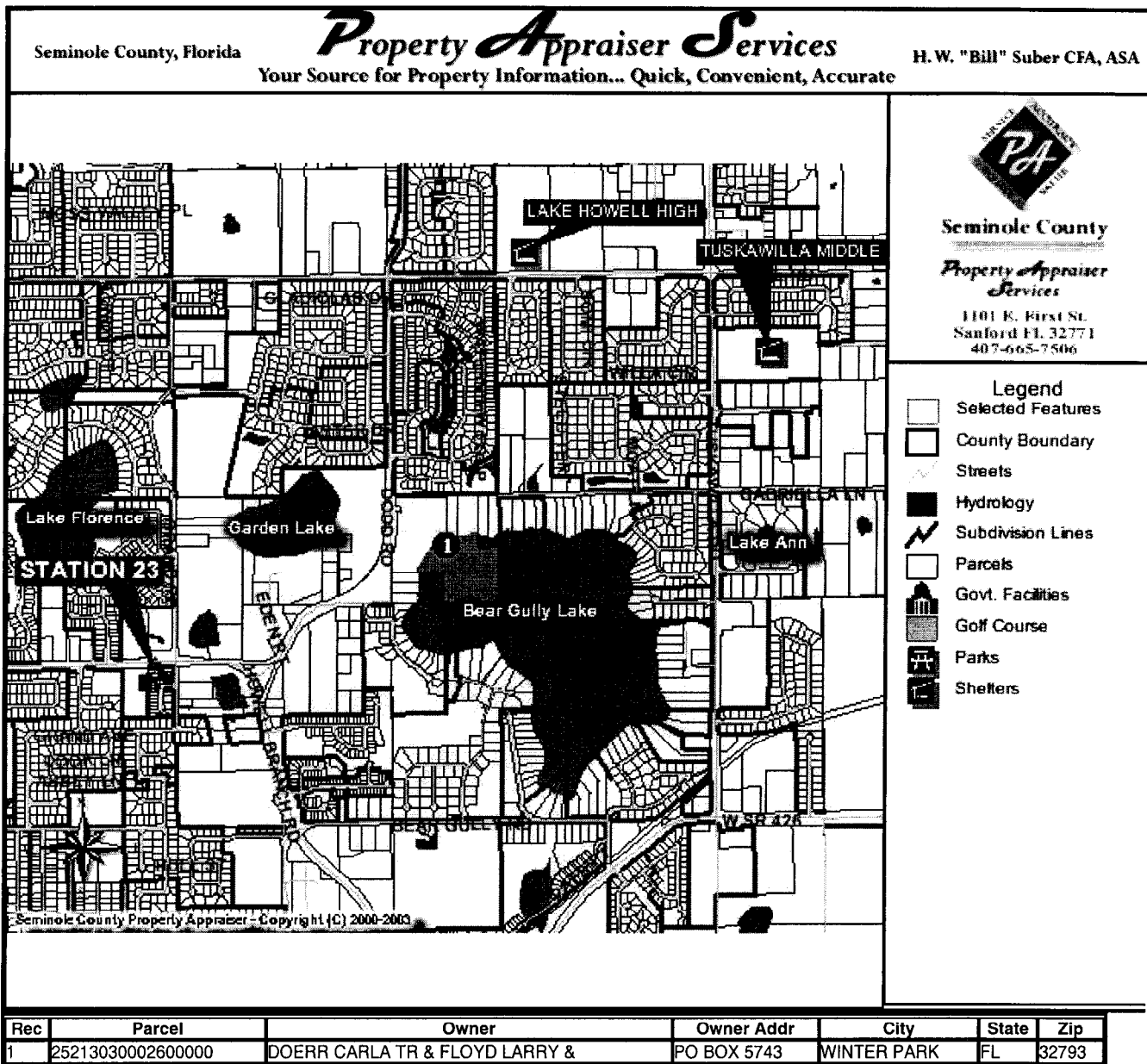
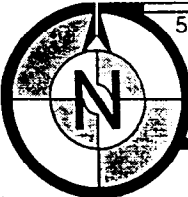
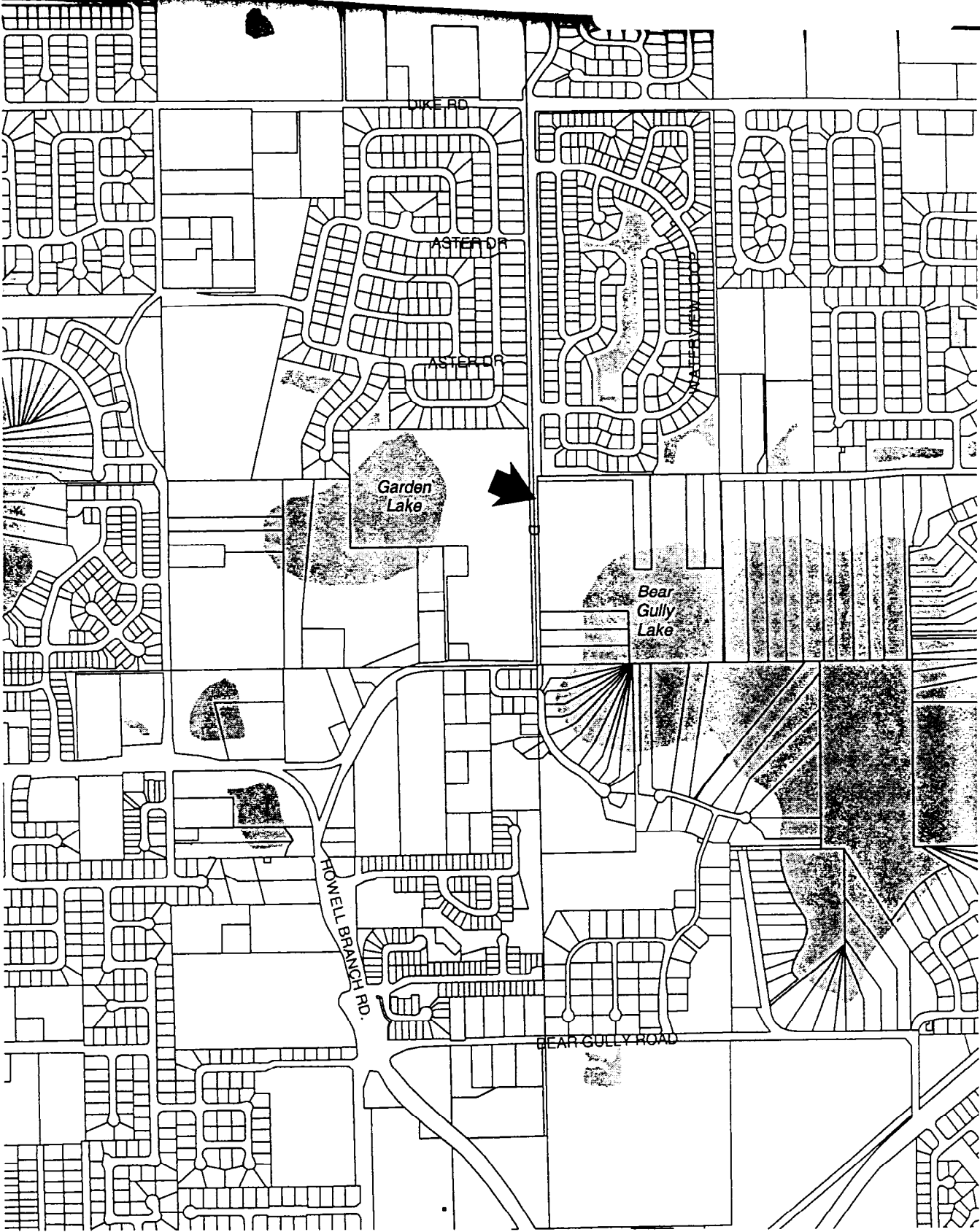


EXHIBIT A

EXHIBIT A

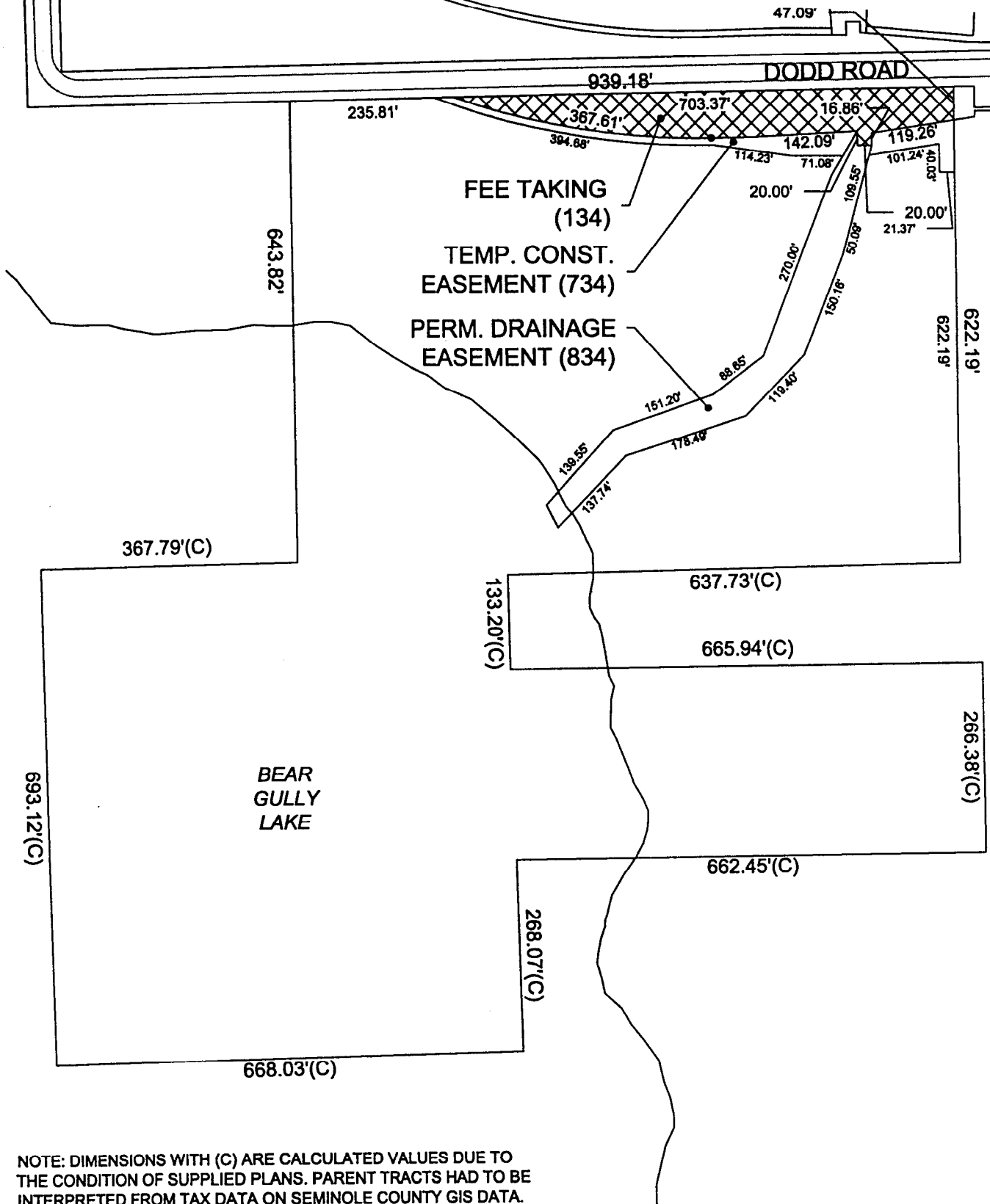


500' 0 1,000'

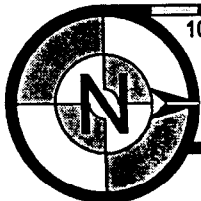
SCALE:
1"=1,000'
NOT A SURVEY

DODD ROAD EXPANSION PROJECT
PARCEL 134 - LOCATION MAP

EXHIBIT B



NOTE: DIMENSIONS WITH (C) ARE CALCULATED VALUES DUE TO THE CONDITION OF SUPPLIED PLANS. PARENT TRACTS HAD TO BE INTERPRETED FROM TAX DATA ON SEMINOLE COUNTY GIS DATA.



100' 0 200'
SCALE
 1"=200'
 NOT A SURVEY

DODD ROAD EXPANSION PROJECT PARCEL 134 - PROPOSED ACQUISITION